

### REMARKS

Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and the following remarks. Applicant notes that claims 1, 4, 6, 10, 12 and 16-19 have been amended and that new claim 21 has been added. Thus, claims 1-21 are pending in the application.

#### Section 102 Rejections:

In the Office Action, claims 1-3, 6, 7, 10, 11, 14, 15 and 16-20 were rejected under 35 U.S.C. 102(e) as being unpatentable over Maissel (US Patent No. 6,637,029).

With regard to independent claim 1, Applicant notes that this claim has been amended to more particularly recite generating the recommendation for presenting the second content in response to detection that the first content is in between two segments. In contrast, Maissel generally describes an intelligent electronic programming guide that displays customized electronic programming guides a predetermined amount of time before the start time of a second television program or in response to user actuation of a remote control. Applicant respectfully submits that displaying customized electronic programming guides a predetermined amount of time before the start time of a second television program or in response to user actuation of a remote control as taught by Maissel fails to teach or suggest generating the recommendation for presenting the second content in response to detection that the first content is in between two segments as recited in claim 1. Embodiments of claim 1 provide advantages over Maissel by providing a less obtrusive mechanism for generating content recommendations. Therefore, because Maissel fails to teach or suggest claim 1, Applicant respectfully requests that the Section 102(e) rejections with respect to claim 1 and all claims dependent thereon be withdrawn.

With regard to independent claims 10 and 16-19, Applicant notes that these claims recite subject matter similar to claim 1. Therefore, Applicant respectfully requests that the Section 102(e) rejections with respect to claims 10 and 16-19 and all claims dependent thereon be withdrawn.

#### Section 103 Rejections:

In the Office Action, claims 4 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel in view of Dudkiewicz\_1 (US 20020152463A1); claims 5 and 13 were rejected under 35 U.S.C. as being unpatentable over Maissel in view of Schaffer (US

20020108113A1); and claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel in view of Dudkiewicz\_2 (US 20020152474A1).

With regard to claims 4-5, 8-9 and 12-13, Applicant notes that the deficiencies of Maissel were discussed above. Applicant respectfully submits that the addition of Schaffer, Dudkiewicz\_1, and Dudkiewicz\_2 fails to alleviate these deficiencies. In particular, Applicant respectfully submits that these references similarly fail to teach or suggest generating a recommendation for presenting a second content in response to detection that a first content is in between two segments. Therefore, because Schaffer, Dudkiewicz\_1, and Dudkiewicz\_2 fails to alleviate the deficiencies of Maissel, Applicant respectfully requests that the Section 103(a) rejections with respect to claims 4-5, 8-9 and 12-13 be withdrawn.

New Claim:

Applicant has also added new claim 21 that Applicant believes further defines over the cited art. In particular, Applicant respectfully submits that the cited art fails to teach or suggest that the segments of the first content comprise the beginning and end of a commercial.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-21 are in condition for allowance. Applicant, accordingly, respectfully requests that a notice of allowance be issued with respect to claims 1-21.

Please charge any fees which may be required, except the issue fee, or credit any overpayment to Deposit Account No. 14-1270.

Date: February 6, 2004

Respectfully submitted,

By Kevin Simons  
Kevin Simons, Reg. No. 45,110  
(408) 474-9075  
Philips Electronics North America  
1109 McKay Drive; Mail Stop SJ41  
San Jose, CA 95131 USA